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Fourth session
New York, 15-26 August 1994

STATEMENT MADE BY THE CHAIRMAN OF THE CONFERENCE AT THE CLOSING OF THE FOURTH SESSION, ON 26 AUGUST 1994

1. This fourth session of the Conference has been short but it has been a very productive one. I am encouraged by the dedicated manner and the constructive approach with which all delegations have worked towards the goal set for the Conference, which in essence is to find practical and effective means to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks. You have demonstrated your will to achieve this goal. As a consequence, the Conference has advanced its work considerably.

2. In accordance with its mandate, during its first substantive session the Conference identified the issues it was to address. At its second and third sessions the Conference considered the substantive responses to the problems relating to conservation and management of the two types of fish stocks. During the fourth session, while continuing to address the substantive matters, the Conference reached a stage when form and substance needed to be brought together. This was an important and necessary step to enable us to appreciate the context in which our negotiations are to proceed. It was necessary also if we were to make progress on a number of key issues which could not be otherwise addressed in an acceptable manner.

3. Based on the discussions and proposals made in the plenary during the review of the revised negotiating text (A/CONF.164/13/Rev.1) in the first week of this session, on the basis of my informal exchanges with many delegations, and building on the inter-sessional consultations that I have had the opportunity to attend, I have been able to revise, restructure and reformat the negotiating text.

4. This new form of the text is contained in document A/CONF.164/22 and is entitled "Draft agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks". This new form is based on my sense that there is a widespread and substantial view in the Conference that a binding outcome of our deliberations is essential if we are to achieve the goal of effective conservation and management of the two types of fish stocks that are the subject-matter of this Conference. I believe that this draft agreement with further work to improve and develop its content would, in a large measure, respond to the concerns of the international community as expressed in the Rio Declaration and chapter 17 of Agenda 21, as well as in the resolutions of the General Assembly and decisions of the Food and Agriculture Organization of the United Nations (FAO) concerning the problems relating to the conservation and management of the world's fisheries resources.

5. The draft agreement responds to these concerns in the following manner:

(a) It establishes a detailed minimum international standard for the conservation and management of the two types of stocks;

(b) It ensures that the measures taken for the conservation and management of those stocks in areas under national jurisdiction and in the adjacent high seas areas are compatible and coherent;

(c) It ensures that there are effective mechanisms for compliance and enforcement of those measures on the high seas;

(d) It provides for a globally agreed framework for regional cooperation in the field of fisheries conservation and management consistent with the situation prevailing in each region as is envisaged in the 1982 United Nations Convention on the Law of the Sea;

(e) It recognizes the special requirements of developing States in relation to conservation and management as well as development of and participation in fisheries for the two types of stocks;

(f) It provides for the peaceful settlement of disputes relating to fisheries matters through compulsory binding dispute settlement mechanisms, which also ensures flexibility for the parties to use the procedure of their choice for the settlement of such disputes.

6. The draft agreement is a turning-point in our work. It represents an important step towards achieving solutions to many problems on which the Conference has been divided. It provides a basis for compromise on issues and it helps to highlight the areas on which further negotiation should be concentrated. While there is no consensus at this time on the question of form of the outcome of this Conference, I am nevertheless encouraged and gratified that the Conference has decided to use the text as a basis for its future work. This is a significant demonstration of political will on the part of all participants who wish to work constructively towards our common goal of achieving an outcome which will effectively deal with the urgent and critical

problems facing fisheries resources in many parts of the world and also promote long-term conservation and sustainable use of those resources.

7. When we reconvene at our next session we shall have the opportunity to examine the new text in detail. In your preparation for the next session you would no doubt benefit from the preliminary comments that have been made on the text.

8. Looking ahead at our work, I wish to inform you that the Bureau has carefully considered the future work programme of this Conference. Taking into account the work that remains to be done, it has concluded that two further sessions of the Conference are necessary in 1995 in order to conclude the work of the Conference. The first session should be devoted to the consideration of the substantive matters before the Conference with a view to concluding negotiations at the end of that session. It should be for a duration of three weeks.

9. A second two-week meeting should be the final session of the Conference. The first week of the session would be devoted to the concordance and harmonization of the text in all languages with a view to arriving at a final text. The second week would be devoted to the consideration of the final act of the Conference and the preparation of the authentic texts of the agreement in order that the final act and the agreement can be adopted at the end of that week.

10. The Secretariat has advised me that conference-servicing facilities are available at United Nations Headquarters for the two sessions as follows: 27 March to 12 April 1995 for the first session and 24 July to 4 August 1995 for the second session.

11. I believe that the programme of work and the schedule of meetings recommended by the Bureau is a realistic one. It is based on our determination that the Conference must conclude its work as soon as possible and no later than 1995. It is my considered view that the Conference has made significant progress already, and with your good will and cooperation and a concerted effort on the part of all of us, our goal to fulfil the mandate of the Conference can be successfully achieved within the proposed time-frame.

12. In this regard, I would like to encourage delegations to undertake inter-sessional consultations in order to facilitate negotiations and help achieve agreement at the next session of the Conference. I myself will continue to liaise and consult with delegations, as appropriate, over the coming months. In order to maintain transparency and a flow of information to all delegations, I will report to the Conference at its next session on any developments resulting from such inter-sessional consultations.

13. As we are all aware, the problem facing the world's fisheries is critical and needs to be addressed urgently. Unless measures are taken to permit fish stocks to rebuild, to reduce fishing effort, to eliminate subsidies to fishing fleets and to rationalize fleet-capacity, it would be impossible to maintain global marine fisheries at a sustainable level. The downward trend in global marine fish catches is well established. The rapid depletion of a number of

fish stocks and the increasing competition for fewer and fewer fish is already causing tension in the oceans. In the face of rapid world population growth and an ever-increasing demand for food, the outlook is dismal.

14. In a recent news release, FAO warned that disastrous social and economic consequences awaited the entire fishing industry unless fishing fleets were controlled through national and international regulation. The Conference is charged with the responsibility of establishing the basis for such regulation. We, therefore, bear a very heavy burden. Our deliberations and decisions can help reverse the existing critical situation and avert an impending disaster. A failure on our part to establish effective norms for the conduct of fisheries would accelerate the potential disaster and result in chaos in the oceans in place of the order that we are charged to establish. It is, therefore, crucial that we succeed in our endeavours. We cannot, and must not, fail present and future generations.

15. In conclusion, I would like to take this opportunity to express my sincere gratitude to all of you for your contributions to the work of this session and for the cooperation that you have extended to me as your Chairman. Your understanding and encouragement has facilitated my task immensely. I am particularly indebted to those among you who have worked very closely with me. I would also like to extend my gratitude to the three Vice-Chairmen from Chile, Italy and Mauritania for their invaluable advice, assistance and support. I also take this opportunity to thank all members of the Secretariat, both the substantive staff and those who have provided other services to the Conference. I would like to thank the translators and revisers for providing us with the present text in all languages, and the interpreters for their patience and understanding. I thank my Secretary, who worked for long hours with me and who ensured that there was order around me. The Conference owes a debt of gratitude to Dr. Wolfgang Krone of FAO and his staff for the contributions made to its work.

16. I now wish to seek your approval of the programme of work that I have outlined for next year. In summary, it is proposed that the Conference recommend to the General Assembly that it provide facilities for two sessions in 1995 in order that the Conference can complete its work. The dates proposed for the two sessions are as follows: 27 March to 12 April and 24 July to 4 August.